



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 10/19/04

AGENDA ITEM 2

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** Ordinance Amending Section 10-1.1800 Of Article 1 Of Chapter 10 of the Hayward Municipal Code Amending the Provisions of the Light Manufacturing, Planning, Research and Development District (LM)

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Ordinance.

**BACKGROUND:**

The ordinance was introduced at the October 12, 2004, meeting of the City Council with the following vote:

<b>AYES:</b>	<b>Council Members:</b>	Jimenez, Quirk, Halliday, Ward, Dowling, Henson
	<b>Mayor:</b>	Cooper
<b>NOES:</b>	<b>Council Members:</b>	None
<b>ABSENT:</b>	<b>Council Members:</b>	None
<b>ABSTAIN:</b>	<b>Council Members:</b>	None

The ordinance was published in the Hayward Daily Review on October 16, 2004. Adoption at this time is therefore appropriate.

Prepared by:

  
Angelina Reyes, City Clerk

Approved by:

  
Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY  
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING SECTION 10-1.1800 OF  
ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD  
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS. Text Amendment Application PL 2004-0338 relates to the proposed Mt. Eden Annexation and involves amendments to the provisions of the Light Manufacturing, Planning, Research and Development District (LM). The City Council finds and determines as follows:

- A. The proposed changes would allow storage facilities located in the County to continue should annexation occur, if a conditional use permit is approved by the City, thereby providing an opportunity for such services to continue to be available for residents of the City. Additionally, the proposed changes would establish development, design and performance standards for uses in the LM District for areas outside the South of Route 92 Specific Plan area, which currently do not exist.
- B. The proposed text amendments are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan and the Mt. Eden Neighborhood Plan.
- C. Streets and public facilities existing or proposed to be upgraded will be adequate to serve all uses permitted with the proposed text changes.
- D. With the proposed establishment of new development, design and performance standards for uses in the LM District, all uses permitted with the proposed text changes will be compatible with present and potential future uses.

Section 2. TEXT CHANGES. Chapter 10, Article 1, section 10-1.1800 of the Hayward Zoning Ordinance, pertaining to the Light Manufacturing, Planning/Research and Development District (LM), is hereby amended as set forth in Exhibit A (available in City Clerk's Office).

Section 3. SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 4. EFFECTIVE DATE. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

Introduced at a regular meeting of the Hayward City Council held October 12, 2004, the above-entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on October 19, 2004, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: October 16, 2004

Angelina Reyes, City Clerk  
City of Hayward